

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FREDERICK BANKS,

Case No. 2:16-cv-01154-GMN-PAL

Plaintiff,

v.

**REPORT OF FINDINGS AND  
RECOMMENDATION**

S.A. ROBERT WERNER, et al.,

Defendants.


This matter is before the court on Plaintiff Frederick Bank's failure to comply with the court's Order (ECF No. 2). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Plaintiff filed an incomplete Application to Proceed *In Forma Pauperis* (ECF No. 1) on May 19, 2016. The court could not determine whether Plaintiff qualified to proceed *in forma pauperis* ("IFP"). Additionally, Plaintiff submitted a complaint on a plain sheet paper, not the court's approved form. On July 6, 2016, the court entered an Order (ECF No. 2) denying Plaintiff's IFP Application without prejudice, directing the Clerk's Office to mail Plaintiff a blank IFP application and form complaint, and allowing Plaintiff to file an amended complaint and a completed IFP application on or before August 4, 2016. *Id.* Instead of filing a completed IFP application, Plaintiff could pay the \$400.00 filing fee by August 4, 2016. *Id.* The Order warned Plaintiff that a failure to comply with the court's instructions would result in a recommendation to the district judge that this case be dismissed. To date, Plaintiff has not filed a completed IFP application or an amended complaint, requested an extension of time, or taken any other action to prosecute this case.

Accordingly,

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**IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close this case and enter judgment accordingly.

  
PEGGY A. ZEEN  
UNITED STATES MAGISTRATE JUDGE

This Report of Findings and Recommendation is submitted to the assigned district judge pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing to object to a magistrate judge's findings and recommendations of shall file and serve *specific written objections*, together with points and authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified time may result in the district court's acceptance of this Report of Findings and Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a magistrate judge may be considered a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.